

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

North American Power and Gas, LLC :

Application for Certificate of
Service Authority under Section
16-115 of the Public Utilities Act.

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Docket No. 11-_____

APPLICATION

North American Power and Gas, LLC (“North American Power” or “Applicant”), hereby requests that the Illinois Commerce Commission (“Commission”) grant it a certificate of service authority pursuant to Section 16-115 of the Public Utilities Act (“Act”). In support of its application, Applicant states as follows:

GENERAL [451.20, 451.30, 451.210, and 451.310]

1. Applicant’s name and street address:

**North American Power and Gas, LLC
One Marshall St. Ste.205
Norwalk, CT 06854**

2. Related Information:

- Type of business entity:
North American Power and Gas is a Limited Liability Company.
- Jurisdiction in which and under whose laws business entity was created:
State of formation – Delaware.
- Other names under which Applicant does business (D/B/A):
DBA – North American Power.
- Federal Employer Identification Number: [451.20(c)(2)]
FEIN – 27-1077320
- Registered Agent in Illinois:
**National Registered Agents, Inc.
200 West Adams Street
Chicago, IL 60606**

3. Contact Persons for the following:
- a) issues related to processing this application,
Chris Sattler, Chief Operating Officer
chris@napower.com
One Marshall St. Ste.205
Norwalk, CT 06854
M: 203.500.9905
F: 203643.2078

and/or

Beatriz Stockler, Executive Assistant
bstockler@napower.com
One Marshall St. Ste.205
Norwalk, CT 06854
P: 203.663.9706
F: 203.286.2064

and/or

Christopher J. Townsend, Attorney
christopher.townsend@dlapiper.com
Christopher N. Skey, Attorney
christopher.skey@dlapiper.com
Michael R. Strong, Attorney
michael.strong@dlapiper.com
DLA Piper LLP (US)
203 North LaSalle Street, Ste. 1900
Chicago, IL 60601
P: 312.368.4000
F: 312.251-5835

- b) issues related to retail customers, including complaint resolution, and
Chad Klein, Manager, Compliance
cklein@napower.com
One Marshall St. Ste.205
Norwalk, CT 06854
P: 203667.9724
F: 203.286.2064

- c) technical issues, including scheduling of generation, transmission, and distribution, and issues arising from relationships with other providers of electric services.

Chris Sattler, Chief Operating Officer

chris@napower.com

One Marshall St. Ste.205

Norwalk, CT 06854

M: 203.500.9905

F: 203643.2078

Provide each contact person's name, title, mailing address, telephone number, facsimile number, and e-mail address.

4. Applicant agrees to accept service by electronic means. [451.30(e)]
5. Applicant is licensed to do business in the State of Illinois, as demonstrated in **Attachment A**. [451.20(d)(1)]
6. Applicant will publish notice of its application for certification in the Official State Newspaper within 10 days following its filing of the application for certification. The applicant will file proof of publication with the Clerk of the Commission within 5 days after publication. [451.30(a)]
7. Applicant's employees that will be installing, operating, and maintaining generation, transmission, or distribution facilities within the State of Illinois, as well as any entity with which the Applicant has contracted to perform those functions, have the requisite knowledge, skills, and competence to perform those functions in a safe and responsible manner in order to provide safe and reliable service in accordance with the criteria stated in Section 16-128(a) of the Act [220 ILCS 5/16-128(a)], as demonstrated in Attachment __. [451.20(d)(2)] [If applicable]

Not Applicable – Applicant will not install, operate, or maintain generation, transmission, or distribution facilities in Illinois.

8. Description of Applicant's business. [451.30(c)(1)]

North American Power is not affiliated with an Illinois utility.

North American Power is The Brighter Energy Choice™. It's our mission to help homeowners and businesses enjoy the benefits of affordable and sustainable deregulated energy. By offering both residential and small commercial consumers the choice of lower electricity supply rates and more responsible energy options, we're doing our part to reduce America's

dependency on fossil fuels and foreign oil while helping people save money on a resource they use every second of the day. North American Power isn't the only energy supplier in the country, but we promise to be the brightest by continuing to search for innovative ways to purchase and use energy more affordably, efficiently and enjoyably. North American Power intends to act as an Alternative Retail Electric Supplier.

North American Power is not affiliated with any entity that owns or controls generation or transmission facilities, nor has intentions to enter the relevant market. North American Power does not own or control any MW of generation in any region. Furthermore North American Power is not affiliated with any franchised public utility.

9. Geographic area in which Applicant seeks to be authorized to offer service (if less than entire State, provide detailed description) and the types of services it intends to offer. [451.30(c)]

North American Power intends to supply energy to customers in the service territory of Commonwealth Edison Company within the State of Illinois.

North American Power intends to act as an Alternative Retail Electric Supplier supplying electricity at a competitive rate to residential and small commercial customers located within the service territory of Commonwealth Edison Company within the State of Illinois.

10. Identification of the Part 451 subpart (Subpart B, C, D, or E) under which the applicant is filing. Description of the characteristics of customer group(s) Applicant proposes to serve. [451.30(c)(2)]

North American Power intends to serve residential and small commercial customers located within the service territory of Commonwealth Edison Company within the State of Illinois. Accordingly, North American Power is applying under subpart D of Part 451.

11. Proof of notification to each utility of Applicant's intent to serve in the utility's service area is provided in **Attachment B**. [451.30(c)(3)]
12. Applicant certifies that it:
- a) will comply with all applicable Federal, State, regional and industry rules, practices, policies, procedures and tariffs for the use, operation, maintenance, safety, integrity, and reliability of the interconnected electric transmission system; [451.20(a)]

- b) will comply with informational and reporting requirements that the Commission may by rule establish; [451.20(b)]
 - c) complies with all other applicable laws and regulations and Commission rules and orders; [451.20(e)]
 - d) complies with all terms and conditions required by Sections 16-115A(a), (b), and (f), 16-119, 16-123, 16-125(b) and (c), 16-127, and 16-128(a) of the Act, to the extent those Sections have application to the services being offered by the alternative retail electric supplier; [451.30(d)(2)] and
 - e) [for Subpart C and D applicants] complies with all terms and conditions required by Section 16-115A(c) of the Act. [451.210 and 451.310(a)]
13. Applicant agrees to submit good faith schedules of transmission and energy in accordance with applicable tariffs. [451.20(a)]
14. Applicant certifies that it will provide for review by Staff on a confidential and proprietary basis data related to contracts for the purchase and sale of electric power and energy; [451.20(b)]
15. Applicant shall certify it will procure renewable energy resources as required by Section 16-115D and subsection (d) of Section 16-115 of the Act, or shall certify that Section 16-115D and subsection (d) of Section 16-115 of the Act do not apply to it pursuant to subsection (h) of Section 16-115D of the Act. [451.20(f)].
16. Applicant shall certify that it will source electricity from clean coal facilities, as required by Section 16-115(d)(5) of the Act. [451.20(g)]
17. Applicant agrees to adopt and follow rules and procedures ensuring that authorizations received from customers, customer billing records, and requests for delivery service transmitted to utilities are retained for a period of not less than two calendar years after the calendar year in which they were created. [451.40(a)]
18. Applicant agrees to adopt and follow rules and procedures to preserve the confidentiality of its customer's data. [451.40(b)]
19. State whether Applicant currently has authority from the Commission to be an ARES, and if so, the Docket Number under which such authority was granted.
- Applicant is applying to become an ARES in Illinois for the first time and no applicable Docket Number exists. Applicant respectfully requests that a new docketed proceeding be initiated.**
20. A statement to disclose whether it is licensed as an alternative retail electric supplier in any other jurisdictions, similar to the licensure required under Section 16-115 of the Illinois Public Utilities Act. Additionally, the Applicant is directed to

disclose whether it has had any complaints filed against it for its provision of any services in the electric or gas industry in this or any other jurisdiction. If yes, the Applicant is directed to include in its response the nature of the complaint, the jurisdiction, and the ultimate resolution.

North American Power is currently licensed as an alternative electricity supplier in Connecticut, Maryland, Pennsylvania, New York, and New Jersey. North American Power has never been denied an electric supplier license in any state in the United States. North American Power has never had an electric supplier license suspended or revoked by any state in the United States. North American Power does not have any other electric supplier license application pending in the United States at this time.

For addition information responsive to this item, please see Attachment C

LICENSE OR PERMIT BOND [451.50]

21. Applicant is required to execute and maintain a copy of the license or permit bond in the name of the People of the State of Illinois issued by a qualifying surety or insurance company authorized to transact business in the State of Illinois. The amount of the bond shall equal the amount specified in Part 451.50(a) for the appropriate group of customers the Applicant seeks certification to serve. [Attach a copy of the license or permit bond required by Part 451.50(a) and proof that the surety meets the definition of “qualifying surety” as set forth in Part 451.10.]

[A list of Sureties that meet the definition of “qualifying surety” can be found on the Department of the Treasury's Listing of Approved Sureties (Department Circular 570) (<http://www.fms.treas.gov/c570/c570.html>)]

Please see Attachment D

FINANCIAL QUALIFICATIONS [Clearly state 451.110, 451.220, or 451.320—Not applicable to Subpart E Applicants]

22. Applicant meets one of the six financial criteria set forth in Part 451.110(a)(1-6), 451.220(a)(1-6), or 451.320(a)(1-6). **Specifically, Applicant meets the criteria set forth in Part 451.320(a)(3), as demonstrated in Attachment E, which confirms that Applicants is a member of PJM. Applicant intends to purchase 100% of its physical electric energy from PJM for delivery to the service territory of Commonwealth Edison Company for which Applicant is seeking a certificate.** If a Subpart C or D Applicant fails to meet or qualify for certification under Part 451.220(a) or 451.320(a), the Applicant shall so state and provide the information required by Part 451.220(b) or 451.320(b).

23. Applicant **will not** provide electric power and energy with property, plant and equipment that it owns, controls, or operates. If Applicant will provide electric power and energy with property, plant and equipment that it owns, controls, or operates, Applicant shall verify that it meets the requirements of Part 451.110(b), 451.220(c), or 451.320(c) for commercial general liability insurance. Attachment **N/A** shows that the commercial general liability insurance coverage is in the amount of \$**N/A** and shall remain in effect for a period of not less than one year. Attachment **N/A** shows that the insurers have Best's ratings of A- or better and Best's financial sizes of VII or larger.

TECHNICAL QUALIFICATIONS [Clearly state 451.120, 451.230, 451.330, or 451.420]

24. Applicant **will not** use electric generation, transmission or distribution facilities that it owns, controls or operates in serving customers. [Note: Even if applicant will not use electrical generation, transmission, or distribution facilities that it owns, controls or operates in serving customers, the applicant still must demonstrate it satisfies the other technical qualifications contained in Part 451.120, Part 451.230, Part 451.330, or Part 451.420.] Applicant meets the requirements of [list applicable code part: Part 451.120, Part 451.230, Part 451.330, or Part 451.420] as demonstrated in **Attachment F**. [Applicant should list each of the technical qualifications contained within the applicable code part, and identify by name the individual(s) on its staff that possess experience to satisfy each experience requirement. The attachment should include narrative and/or resume information for the named individuals, especially an identification and description, including duration, of the experience(s) that applicant believes satisfies the applicable technical experience requirements.]

Please see Attachment F

Applicant designates and agrees to maintain the following telephone, fax, and address where its staff can be directly reached at all times:

Phone: (866) 808-7366 ext. 3017

Fax: (877) 873-9633

Address: 104 E. Fairview Avenue

Suite 262

Meridian, ID 83642

MANAGERIAL QUALIFICATIONS [Clearly state 451.130 and 451.140, 451.240 and 451.250, 451.340 and 451.350, or 451.430]

25. Applicant meets the managerial qualifications set forth in [Part 451.130] [451.240] [451.340] (not applicable to Subpart E Applicants), as demonstrated in **Attachment G**. **Attachment G** includes an exhibit containing a corporate organizational chart and identifying the persons or agents who are being used to

meet each of the requirements of Part [list applicable code part: 451.130(b), 451.240(b), or 451.340(b)]. [Applicant should list each of the managerial qualifications within the applicable code part, and identify by name the individual(s) on its staff that possess experience to satisfy each experience requirement. The attachment should include narrative and/or resume information for the named individuals, especially an identification and description, including duration, of the experience(s) that applicant believes satisfies the applicable managerial experience requirements.]

Please see Attachment G

In accordance with Part 451.340(d), Applicant states that with respect to serving residential and small commercial retail customers, it will maintain sufficient managerial resources and abilities to provide the service for which it has a certificate of authority.

26. Applicant **is not** relying on one or more agents or contractors to meet the technical and managerial requirements of Part 451.120 and 451.130, 451.230 and 451.240, 451. 330 and 451.340, or 451.420. [(If Applicant is relying on such agents or contractors)] Each agent and contractor on whom the Applicant relies to meet these requirements is disclosed on Attachment __. Attachment should include narrative and/or resumes of agent's or contractor's key personnel showing clearly how each applicable technical or managerial experience requirement is being met. [451.140(a), 451.250(a), 451.350(a), or 451.430(a)] Applicant certifies that each such agent or contractor will comply with all the sections of Part 451 that are applicable to the functions to be performed by the respective agent or contractor. [451.140(b), 451.250(b), 451.350(b), or 451.430(b)]

FINANCIAL QUALIFICATIONS FOR SINGLE BILLING SERVICE [451.510]

27. Applicant **does not** intend to provide single billing services. [(If Applicant intends to provide single billing services) A demonstration that Applicant meets one of the four creditworthiness standards as required in Part 451.510 is set forth in Attachment .

GENERAL PROVISIONS FOR APPLICANTS FILING UNDER SUBPART D [451.310]

28. Applicant certifies that its marketing materials which make statements concerning prices, terms and conditions of service contain information that adequately discloses the prices, terms and conditions of the products or services that the Applicant is offering or selling to the customer. [451.310(d)(1)]
29. Applicant certifies that before any customer is switched from another supplier, Applicant will give the customer written information that adequately discloses, in

plain language, the prices, terms and conditions of the products and services being offered and sold to the customer. [451.310(d)(2)]

30. Applicant certifies it will provide documentation to the Commission and to customers that substantiates any claims made by the Applicant regarding the technologies and fuel types used to generate the electricity offered or sold to customers. [451.310(d)(3)]
31. Applicant certifies it will provide to the customer itemized billing statements that describe the products and services provided to the customer and their prices, and provide an additional statement, at least annually, that adequately discloses the average monthly prices, and the terms and conditions, of the products and services sold to the customer. [451.310(d)(4)]
32. Applicant certifies it will include materials comprising the consumer education program (pursuant to Section 16-117 of the Act [220 ILCS 5/16-117]) with all initial mailings to potential residential and small commercial retail customers and before executing any agreements or contracts with such customers, and that Applicant will provide these materials at no charge to residential and small commercial retail customers upon request. [451.310(e) and 451.310(f)]
33. Applicant certifies it will provide to residential and small commercial retail customers on a semiannual basis information on how to obtain a list of alternative retail electric suppliers that have been found in the last 3 years by the Commission (pursuant to Section 10-108 of the Act [220 ILCS 5/10-108]) to have failed to provide service in accordance with the terms of their contracts (pursuant to Section 16-117(g)(4)(C) of the Act). [451.310(g)]

WHEREFORE, Applicant, North American Power and Gas, LLC, respectfully requests that the Commission grant its application for service authority to serve all retail customers in the service territory of Commonwealth Edison Company within the State of Illinois.

Respectfully submitted,

North American Power and Gas. LLC

By: _____
Chris Sattler Chief Operating Officer

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203 North LaSalle Street, Ste. 1900
Chicago, IL 60601
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VERIFICATION

STATE OF CONNECTICUT)
COUNTY OF FAIRFIELD)

Chris Sattler, being first duly sworn, deposes and says that he is the Chief Operating Officer of Applicant, North American Power and Gas, LLC; that he/she has read the foregoing Application of North American Power and Gas, LLC, and all of the attachments accompanying and referred to within the Application; and that the statements contained in the Application and the attachments are true, correct and complete to the best of his knowledge, information and belief.

Chris Sattler

Subscribed and sworn to before me
this ____ day of _____, 2011.

Notary Public